

75-2429/A

24 OCT 75

MEMORANDUM FOR: Legislative Counsel

SUBJECT : Comments on CSC Letter Relative to H.R. 2351

REFERENCE : Informal memo for D/Pers fr Asst Legis Counsel
dtd 15 Oct 75

1. In response to your reference request, the Civil Service Commission comments on the proposed changes to Section 7501, Title 5, (H.R. 2351 and H.R. 4249) have been reviewed. We note the concern, among other items, of the Commission with the extension of the statutory coverage of the cause standard to all persons in the excepted service, particularly employees in Schedule C and non-career executive positions. It would seem appropriate to insure that any revisions of the proposed Bills do not inadvertently include the agencies, such as CIA, now specifically exempted by statute from the provisions of this law.

2. As noted on page three of the proposed comments, the Commission has extended by regulation the provisions of Section 7501 to all employees in the competitive service and to certain categories of the excepted service (FPM 752). In general, therefore, paragraph three of the letter is correct except for the exempt agencies, such as CIA, which are authorized to establish their own procedures for handling personnel matters of this nature. Insofar as the Agency is concerned, we follow the philosophy of protection against "unwarranted and capricious actions" and have published detailed regulations and specific guidances for procedures to be followed (HQB [redacted]). We differ primarily in the time frames, appeal channels and the special authorities exercised by the Director.

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3. We defer to you as to the need for recasting paragraph three of the CSC letter to recognize the status of the exempt agencies in following the cited procedures, but would query the need to call attention to the exceptions.

F. W. M. Jarney
Director of Personnel

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Approved For Release 2002/05/07 : CIA-RDP82-00357R000300040043-2
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